IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

SECOND APPEAL NO. 184 OF 2003

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders.

Mrs.G.P.Mulekar, A.G.P. for the Appellants.

Shri P.R.Arjunwadkar for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : 26th August,2004.

P.C.:

1. Heard the learned A.G.P. for the Appellant and Shri Arjunwadkar for the Respondent.

2. In so far as the claim for damages is concerned, there are concurrent findings of fact. A submission was made by the learned A.G.P. relying upon the relevant clauses in the tender that the claim for compensation was not made within the time stipulted by the said clause. However, I find that no issue has been framed by the trial Court on the basis of the said contention. It is not reflected from the Judgment of the Appellate Court that any submission was made on this aspect at the time of hearing of the Appeal before the Appellate Court.

3. No substantial question of law arises in the Second Appeal. Hence the Second Appeal is rejected.

Judge.